

MEMORANDUM

B&F
Agenda Item No. 2 (C)

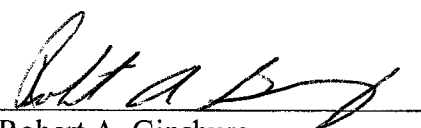
TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: June 12, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: City of North Miami
annexation

The accompanying ordinance was prepared and placed on the agenda by the Board of County Commissioners.


Robert A. Ginsburg
County Attorney

RAG/jls




MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: April 22, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13 (H)

Please note any items checked.

☒

"4-Day Rule" ("3-Day Rule" for committees) applicable if raised

☐

6 weeks required between first reading and public hearing

☐

4 weeks notification to municipal officials required prior to public hearing

☐

Decreases revenues or increases expenditures without balancing budget

☐

Budget required

☐

Statement of fiscal impact required

☐

Bid waiver requiring County Manager's written recommendation

☐

Ordinance creating a new board requires detailed County Manager's report for public hearing

☐

Housekeeping item (no policy decision required)

☐

No committee review

Approved _____ Mayor

Agenda Item No. 13(H)

Veto _____

4-22-03

Override _____

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; RESTRICTING MODIFICATION OF APPLICABLE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THIS ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The municipal boundaries of the City of North Miami are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of North Miami of the following property:

Annexation by the City of North Miami

Legal Description

[To be distributed at a latter date]

encompassing an area described by Resolution No. 2002-38 of the Mayor and City Council of the City of North Miami which resolution is attached hereto (Attachment I) and made a part hereof by reference.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County (Ordinance Nos. 61-8 as amended, 70-84 as amended, and 70-85 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County (Ordinance No. 96-30 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95.

Section 4. This ordinance shall be effective only if the City of North Miami executes a duly authorized interlocal agreement wherein it agrees to (a) make an annual mitigation

payment to the County's Municipal Services Trust Fund and (b) pay Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$26 per year for approximately 22 years.

Section 5. This ordinance shall be effective only upon the following additional conditions: (a) the annexed area shall be annexed with Miami-Dade County's current BU-2 zoning district boundary regulations remaining in full force and effect; (b) should the City of North Miami adopt new land development regulations that rezone the annexed area, Miami-Dade County's BU-2 zoning district boundary regulations shall nevertheless remain in full force and effect if the City's new zoning restricts Home Depot's rights to operate or continue to operate the store on the annexed area; and (c) in the event of a casualty on the annexed area, the City of North Miami agrees that the annexed area may be redeveloped in accordance with plans substantially complying with the site plan used for construction of the store.

Section 6. The provisions of this ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

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Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

CAK

Craig H. Coller

Sponsored by the Board of County Commissioners

RESOLUTION NO. 2002-38

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA SUPPORTING THE SUBMITTAL OF AN APPLICATION TO MIAMI-DADE COUNTY TO ANNEX COMMERCIAL AND RESIDENTIAL AREAS ALONG BISCAYNE BOULEVARD.

WHEREAS, Miami-Dade County has expressed a desire to reduce the number of enclave areas within the unincorporated area of the County; and

WHEREAS, the City of North Miami has expressed an interest to annex a major portion of the enclave area which is situated between the existing borders of Miami Shores Village and the City of North Miami.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. That the Administration should submit the appropriate annexation application to Miami-Dade County for its consideration and approval regarding the property having a northern boundary of Northeast 121 Street; the southern boundary north of Sans Souci Boulevard; the western boundary Biscayne Boulevard, and the eastern boundary Northeast 18 Avenue. A map of this area is attached as Exhibit "1."

Section 2. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED by a 5-0 vote of the Mayor and City Council this 11 day of June, 2002.

MAYOR

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSETH my hand and official seal of the City of North Miami.

Florida, this 13 day of

June, 2002
Barbara Jorgensen, Deputy City Clerk

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



City of North Miami Home Depot Annexation Application

